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FILED
DISTRICT COURT OF GUAM
NOV 29 2005
MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

FLORENCIA Q. LEWIS,)	CIVIL CASE NO. 05-00026
)	
Plaintiff,)	(Federal Tort Claims Act)
)	
vs.)	SCHEDULING ORDER AND
)	DISCOVERY PLAN
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

SCHEDULING ORDER AND DISCOVERY PLAN

Subject to the approval of this Court, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure (FRCP) and Local Rules (LR) 16.1 and 16.2 of the District Court of Guam, the parties submit the following Scheduling Order and Discovery Plan:

1. The nature of the case is as follows. This is a Federal Tort Claim for Personal Injuries for negligence and other wrongdoing with respect to medical treatment plaintiff received at Tripler Army Medical Center in Honolulu, Hawaii.

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2. The posture of the case is as follows. The Complaint and First Amended Complaint the answers to them have been filed and the parties are about to embark on anticipated discovery.

- a. The following motions are on file: None.
- b. No hearing is currently scheduled.
- c. No formal discovery has yet been commenced.

3. All motions to add parities and claims will be filed on or before December 31, 2005.

4. All motions to amend pleadings will be filed on or before June 30, 2006.

5. Status of Discovery:

- a. The times for making disclosures under FRCP 26(a) are modified as follows:

(1) Disclosures of the items required by FRCP 26(a)(1) & (2), LR 16.2(a) and LR 26.2 will be made by December 15, 2005.

(2) Disclosure of the items required by FRCP 26(a)(3), will be made 30 days before the scheduled trial and any objections to them will be made within 14 days after such disclosures.

(3) The parties have a continuing obligation to comply with the pretrial disclosures per FRCP 26(e) and LR 26.2.

b. The following is a description and schedule of all pretrial discovery each party intends to initiate prior to the close of discovery. Discovery will commence immediately. It is anticipated that the parties will exchange

interrogatories and requests for production of documents. It is anticipated that the parties will exchange the pertinent health care provider records of plaintiff. The plaintiff intends to depose initially, the following health care providers in Hawaii on or about January 11 – 13, 2006. They are Dr. Manish Varma, Dr. Theodore Llanso, Dr. Patricio Rosa, Dr. Christy Taoka and then MS III Jennifer Nowe. If they are no longer at Tripler, their depositions will be scheduled subsequently. It is anticipated that defendant intends to depose the plaintiff and one or more of her health care providers. It is anticipated that the parties intend to depose each other's medical or other experts identified for this case. Other witnesses may be deposed by either party, depending on what further discovery reveals.

6. The discovery cut off date (defined as the last day to file responses to discovery) is September 15, 2006.

7. The anticipated motions are as follows:

a. The anticipated discovery motions are: None at this time, except the parties reserve the right to file discovery motions as may be appropriate under the circumstances. All discovery motions will be filed by September 1, 2006.

b. There are no anticipated dispositive motions at this time, but the parties reserve the right to bring one or more of them. All dispositive motions will be filed by October 13, 2006.

8. The parties may explore the prospects for settlement after substantial discovery.

9. The preliminary Pretrial Conference will be held on Monday, November 20, 2006, at 9:00 a.m. (no later than 21 days prior to trial).

10. The parties' pretrial materials, discovery materials, witness lists, designations, exhibit lists and trial briefs will be filed on or before Monday, November 27, 2006 (no later than 14 days prior to trial).

11. The proposed Pretrial Order and the Stipulation for Trial under LR 16.7 will be filed on or before Monday, November 27, 2006 (no later than 14 days prior to trial).

12. The final Pretrial Conference will be held on December 4, 2006, at 9:00 a.m. (7 days prior to trial).

13. The trial will be held on Monday, December 11, 2006, at 9:00 a.m.

14. The trial is a non-jury trial.

15. It is anticipated that it will take approximately two to three days to try this case.

16. Counsel in this case are: Wayson W. S. Wong, Esq., is counsel for the plaintiff and Mikel W. Schwab, Esq., is counsel for defendant.

17. Plaintiff believes that an early settlement conference could resolve this case and that one should be scheduled in late September 2006, after the discovery has been completed.

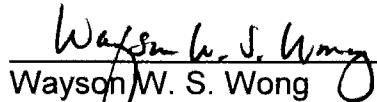
18. The parties present the following suggestions for shortening trial: Having an early settlement conference.

19. The following issues will also affect the status or management of the case: None.

Dated: Hagatna, Guam, November 29, 2005


Judge of the Above Entitled Court
JOAQUIN V.E. MANIBUSAN, JR.
U.S. MAGISTRATE JUDGE

APPROVED AS TO FORM AND CONTENT:


Wayson W. S. Wong

Attorney for Plaintiff


Mikel W. Schwab

Attorney for Defendant

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**DISTRICT COURT OF GUAM
HAGATNA, GUAM**

Scheduling Order and Discovery Plan, *Lewis v. United States*, D. C. Guam, Terr. of Guam, Case No.: 05-00026